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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.20440 of 2022

A.Saravanamandram ... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Tirunelveli.
(Crime No.9/2021). ... Respondent/Complainant

For Petitioner : M/s.Saravanakumar C, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

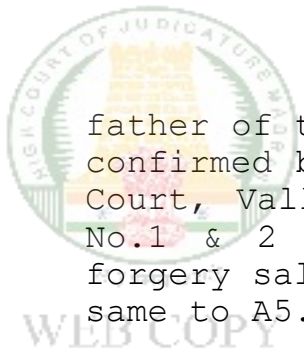
PRAYER :-

For Anticipatory Bail in Crime No. 9/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420, 120(B), 109 of IPC in Cr.No.9 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the alleged property originally belongs to grandfather of the defacto complainant namely, Sivanukonar. Thereafter, on 09.09.1960, the defacto complainant's grandfather executed a settlement deed in favour of the defacto complainant's father namely, Gopalakrishnan. Thereafter, the above said property was belongs to the defacto complainant. The



father of the defacto complainant having right over the property, was confirmed by the final decree passed by the learned District Munsif Court, Valliyoor in I.A.No.433 of 1996. On 05.02.2020, the accused No.1 & 2 along with the other accused impersonated and created forgery sale deed in respect of the above said property and sold the same to A5. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner only act as a witness. Except that, no other allegation is made against the petitioner. A6 & A7 were already granted anticipatory bail by the Sessions Judge, Tirunelveli. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that totally 11 accused are involved in this case. The petitioner was arrayed as A3. A1 & A8 were arrested and later, released on bail. A6 & A7 were already granted anticipatory bail by the Sessions Judge, Tirunelveli. 7 witnesses have been examined in this case. He would further submit that the petitioner has created the bogus Aadhar Card, Voters ID etc., Serious allegation has been made against the petitioner and the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused were released on bail and anticipatory bail and 7 witnesses have been examined in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Anti Land Grabbing Cell, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

28/11/2022

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/12/2022

Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SPECIAL JUDGE FOR
ANTI LAND GRABBING CELL, TIRUNELVELI.
 2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUNELVELI.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SARAVANAKUMAR C Advocate SR.No.13993

ORDER

IN

CRL OP(MD) No.20440 of 2022

Date : 28/11/2022